UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,602	02/19/2002	Yoshio Sasaki	040894-5140	2300

9629 7590 11/29/2005

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER	
CHU, KIM KWOK	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,602	SASAKI ET AL.	
	Examiner	Art Unit	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed on 2/1/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-13* is/are rejected.

7)☒ Claim(s) *9 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 4, 6 and 7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ko et al. (U.S. Patent 6,724,705) in view of Kobayashi et al. (U.S. Publication Number US2004/0042363).

Ko teaches a recording medium very similar to that of the present invention. For example, Ko teaches the following:

(a) as in claim 1, the recording medium on which information is to be recorded by an information recording apparatus (Fig. 10; information recording apparatus such as a disc drive or a read/write head is an inherent feature);

(b) as in claim 1, the information is recorded at the time of manufacturing the recording medium in advance (Figs. 10, 11 and 12; column 10, lines 30-42);

(c) as in claim 1, recording parameter information containing optimizing information for optimizing a recording

state in the record processing executed by the information recording apparatus (Figs. 10-12; column 10, lines 37-42; transmission rate is one of the disc optimization parameters);

(d) as in claim 3, the recording medium comprises an information recording area (user data area) where the information is to be recorded (Fig. 2);

(e) as in claim 3, the recording medium comprises a control information recording area (control data zone) where recording control information used for controlling the record processing is to be recorded (Figs. 11 and 12; column 10, lines 37-42);

(f) as in claim 4, the recording medium having standard recording parameter information (disc type and specification) is further recorded for executing the record processing in a standard recording state (Figs 11 and 12; column 10, lines 37-42);

(g) as in claim 6, a plurality of sets (multiple flags) comprising the identification information and the recording parameter information which are in a corresponding relation are recorded (Fig. 8); and

(h) as in claim 7, the record processing is a record processing executed optically, and the recording parameter information (disc type, transmission rate) is a recording parameter information for optimizing a shape of a recording pit

formed on the recording medium by executing the record processing (Figs. 10-12).

However, Ko does not teach the following pre-recorded information in his recording medium:

(a) as in claim 1, identification information for identifying the information recording apparatus for recording the information onto the recording medium; and

(b) as in claim 3, the identification being recorded in the control information area in advance.

Kobayashi discloses that a prior art teaches the following disc authentication operation:

(a) an identification information for identifying the information recording apparatus for recording the information onto the recording medium (section 0003; lines 15-31); and

(b) the identification being recorded in the control information area in advance (section 0003; lines 4 and 5; ROM area is the control information area).

To prevent an unauthorized read/write apparatus to access a recording medium, one can use a method where the recording medium has a list of authorized read/write apparatuses recorded during the manufacturing/producing of the medium. Hence, for protecting a recording medium being accessed, it would have been obvious to one of ordinary skill in the art to enhance Ko's disc write protection with a predetermined relationship established

between an recording medium and its recording/reproducing device as taught in a prior art disclosed by Kobayashi, because the recording medium is assigned to a limited group recording/reproducing devices such as the owner's device so that only the owner's device can read/write the owner's recording medium.

3. Claims 8 and 11-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ko et al. (U.S. Patent 6,724,705) in view of Kobayashi et al. (U.S. Publication Number US2004/0042363).

Ko teaches a recording medium very similar to that of the present invention. For example, Ko teaches the following:

(a) as in claim 8, an information recording apparatus for executing the record processing onto a recording medium on which information is to be recorded (Fig. 6A; accessing the information stored on a recording medium);

(b) as in claim 8, the information is recorded at the time of manufacturing the recording medium in advance (Figs. 10, 11 and 12; column 10, lines 30-42); and

(c) as in claim 8, recording parameter information containing optimizing information for optimizing a recording state in the record processing executed by the information recording apparatus (Figs. 10-12; column 10, lines 37-42. transmission rate is one of the disc optimization parameters).

However, Ko does not teach the following pre-recorded information in his recording medium:

(a) as in claim 8, identification information for identifying the information recording apparatus for recording the information onto the recording medium;

(b) as in claim 8, the identification being recorded in the control information area in advance;

(c) as in claim 8, a storage device for storing the identification information for identifying the information recording apparatus;

(d) as in claim 8, a detection device for detecting the identification information and the recording parameter information from the recording medium prior to the recording of the information;

(e) as in claim 8, a comparison device for comparing the detected identification information to the stored identification information; and

(f) as in claim 8, a recording device for recording the information onto the recording medium while optimizing the recording state by using the detected recording parameter information when the detected information coincides with the stored identification information.

Kobayashi discloses that a prior art teaches the following disc authentication operation:

(a) an identification information for identifying the information recording apparatus for recording the information onto the recording medium (section 0003; lines 15-31); and

(b) the identification being recorded in the control information area in advance (section 0003; lines 4 and 5; ROM area is the control information area).

Furthermore, Ko teaches the following inherent features:

(a) a storage device 6 for storing information (Fig. 1);

(b) a detection device 3 for detecting the recording information from the recording medium (Fig. 1);

(c) a comparison device 5 for comparing the detected information to the stored information (Fig. 1); and

(e) a recording device 3 for recording the information onto the recording medium while optimizing the recording state by using the detected recording parameter information when the detected information coincides with the stored information (Fig. 1).

To prevent an unauthorized read/write apparatus to access a recording medium, one can use a method where the recording medium has a list of authorized read/write apparatuses recorded during the manufacturing/producing of the medium. Hence, for protecting a recording medium being accessed, it would have been obvious to one of ordinary skill in the art to enhance Ko's disc write protection with a predetermined relationship established between an recording medium and its recording/reproducing device as taught in a prior art disclosed by Kobayashi, because the recording medium is assigned to a limited group recording/reproducing devices such as the owner's device so that only the owner's device can read/write the owner's recording medium.

In addition, Although Ko does not teach recording and reproducing information with a storage device, a detection device, comparison device and a recording device. However, for accessing data in a recording medium, it would have been obvious to one of ordinary skill in the art to read/write Ko's data by utilizing above means as suggested in Kobayashi's Fig. 1, because input and output data into Ko's recording medium requires a storage device for holding the data, a detector for receiving the stored data, a comparison means for recognizing the stored data and a recording means for storing data on the medium.

4. Method claim 11 drawn to the method of using the corresponding apparatus claimed in claim 8. Therefore, method claim 11 corresponds to apparatus claim 8 and is rejected for the same reasons of anticipation as used above.

5. Claims 12 and 13 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

6. Claim 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ko et al. (U.S. Patent 6,724,705) in view of Kobayashi et al. (U.S. Publication Number US2004/0042363) and further in view of Takeshita (U.S. Patent 6,556,524).

Ko in view of Kobayashi teach a recording medium very similar to that of the present invention. However, both Ko and Kobayashi do not teach the following:

(a) as in claim 2, the recording parameter information comprises at least: first recording parameter used when executing the record processing with a first recording speed; and second recording parameter used when executing the record processing with a second recording speed which is faster than the first recording speed.

Takeshita teaches that speed parameters of various speeds are recorded in PCA or PMA area of a recording medium (column 10, lines 35-57).

To eliminate repetitive test procedures, optimal control data of an optical reproducing/recording apparatus can be stored on a recording medium for access during loading of the medium. For example, it would have been obvious to one of ordinary skill in the art to store the speed parameters of Takeshita in Ko's PCA area in the recording medium, because optimal operating speeds of reading/writing the recording medium itself can be loaded to the optical apparatus without running a speed test.

7. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ko et al. (U.S. Patent 6,724,705) in view of Kobayashi et al. (U.S. Publication Number US2004/00423363) and further in view of Yonemitsu et al. (U.S. Patent 5,592,450).

Ko in view of Kobayashi teach a recording medium very similar to that of the present invention. However, both Ko and Kobayashi do not teach the following:

(a) as in claim 5, the identification information and the identical recording parameter information are recorded repeatedly.

Yonemitsu teaches the following:

(a) identifying information (TOC data) is redundantly recorded in the re-recordable data zones of the lead-in and lead-out areas (Fig. 4B; column 11, lines 41 and 42).

Data such as disc management information stored in a recording medium can be corrupted. To ensure these management information can be retrieved while loading the disc, it would have been obvious to one of ordinary skill in the art to duplicate the disc management information stored in the Lead-in area such as both Ko's and Kobayashi's similar to Yonemitsu's, because the additional copy of disc management information in the Lead-in area prevents the accidental damage of the original copy.

Allowable Subject Matter

8. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 9, the prior art of record fails to teach or fairly suggest an information recording apparatus having the following features:

(a) a type-corresponding recording parameter information storage device for storing type-corresponding recording parameter information as the recording parameter information corresponding to a type of the recording medium, wherein if the detected identification information does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored type-corresponding recording parameter information.

As in claim 10, the prior art of record fails to teach or fairly suggest an information recording apparatus having the following features:

(a) a standard recording parameter information storage device for detecting/storing standard recording parameter

information for executing the record processing in a standard recording state, wherein if the detected identification information does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored standard recording parameter information.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kim-Kwok CHU
Examiner AU2653

KC 11/21/05

November 21, 2005
(571) 272-7585